

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

FILED
05 MAR 10 AM 10:43

CLERK-SANTA FE

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

Subfile No. CHGA-002-0021A

**MOTION TO CORRECT CONSENT ORDER
AND SUBSTITUTE SUBFILE MAP**


COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and moves the Court to issue its order correcting the Consent Order filed March 8, 2001 (Doc. No. 6207) in Subfile CHGA-002-0021A, and as grounds plaintiff states as follows:

1. The State and Defendant DAVID CHAVEZ signed and approved a Consent Order in Subfile CHGA-002-0021A that was filed with the Court on March 8, 2001.
2. The subfile map attached to the Consent Order filed March 8, 2001 failed to show the location of the 1.0 acre "no right" tract described in the order. The description of the water rights in the text of the order is correct and does not require correction.
3. A corrected subfile map showing the location of the 1.0 acre "no right" tract should be substituted for the map attached to the Consent Order filed March 8, 2001.
4. Counsel for the State has attempted to contact Defendant David Chavez to learn if he consents to this motion but Defendant has failed to respond.

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WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order correcting the Consent Order filed March 8, 2001 and substituting the map attached hereto as Exhibit A for the map attached to the Consent Order filed March 8, 2001.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion to Correct Consent Order and Substitute Subfile Map was mailed to following persons on February 8, 2005.


Edward G. Newville

DEFENDANT

David Chavez
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RIO CHAMA SECTION 5 SERVICE LIST

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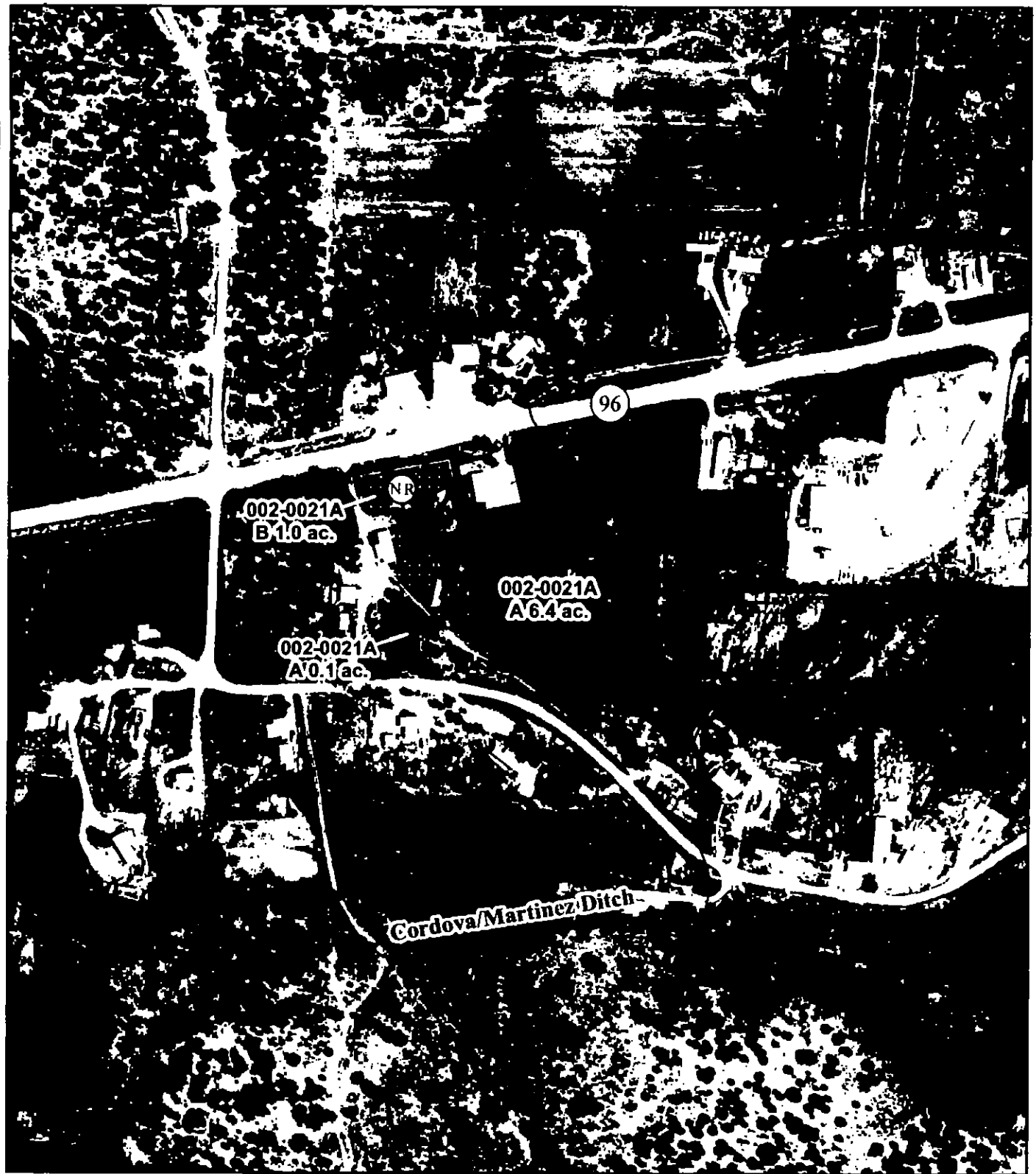
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LEGEND

Irrigated Tract Boundary
No Right Tract Boundary



Pond



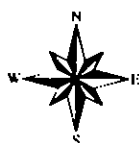
Operable Ditch



Point of Diversion



No Right



1 inch = 300 feet

0 50 100 200 300
Feet

STATE OF NEW MEXICO
Office of the State Engineer
Thomas C. Turney, State Engineer

Rio Chama Hydrographic Survey
RIO GALLINA SECTION

Subfile Number
CHGA 002-0021A

Cordova/Martinez Ditch
AMENDED Dec. 17, 2003

